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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

| | | |
|------------------------------|---|-----------------------------------|
| 10 UNITED STATES OF AMERICA, |) | No. CR-10-00213 CW |
| |) | CR-09-00767 CW |
| 11 Plaintiff, |) | |
| |) | STIPULATED REQUEST TO CONTINUE |
| 12 v. |) | HEARING DATE TO JUNE 29, 2010 AND |
| |) | TO EXCLUDE TIME UNDER THE |
| 13 MARK PETERSON, |) | SPEEDY TRIAL ACT AND ORDER |
| |) | |
| 14 Defendant. |) | Hearing Date: June 17, 2010 |
| |) | Time: 9:30 a.m. |
| 15 |) | |
| 16 |) | |

17 The above-captioned matter is set on June 17, 2010 before this Court for a status hearing.
18 The parties jointly request that the Court continue the matter to June 29, 2010 at 10:00 a.m., and
19 that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),
20 between June 17, 2010 and June 29, 2010.

21 On March 25, 2010, the Grand Jury charged Mr. Peterson with possession of child
22 pornography, in violation of 18 U.S.C. § 2252(a)(4)(B). Mr. Peterson was on federal probation
23 at the time of the offense alleged in the indictment, and he faces a revocation of that probation in
24 case number CR-09-0767 CW.

25 The current status of the case is that the parties are negotiating this matter and anticipate
26 that there will be a negotiated disposition of the case. If there is a negotiated disposition, the

1 parties plan to submit a proposed plea agreement to the Court at least two days in advance of the
 2 requested hearing date. In the meantime, the government has produced discovery to the defense
 3 and defense counsel needs additional time to review and process the discovery provided. The
 4 defense also requires additional time to complete its investigation of the circumstances of the
 5 offense and to assess and confirm Mr. Peterson's Guidelines range.

6 The requested continuance will allow the defense to complete its review of the discovery,
 7 to investigate the underlying facts of the case, and to research and to confirm Mr. Peterson's
 8 Guidelines range. For this reason, the parties agree that the failure to grant this continuance
 9 would unreasonably deny counsel for defendant the reasonable time necessary for effective
 10 preparation, taking into account the exercise of due diligence.

11 The parties further stipulate and agree that the ends of justice served by this continuance
 12 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
 13 parties agree that the period of time from June 17, 2010 to June 29, 2010, should be excluded in
 14 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),
 15 for effective preparation of defense counsel, taking into account the exercise of due diligence.

16
 17 DATED: June 15, 2010

18 /S/
 19 WILLIAM R. PLETCHER
 Assistant United States Attorney

20 DATED: June 15, 2010

21 /S/
 22 ANGELA M. HANSEN
 Assistant Federal Public Defender

23 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
 24 within this e-filed document.

25 /S/ ANGELA M. HANSEN

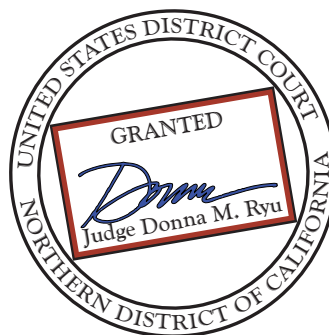
ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given defense counsel's need to complete its review the discovery;
2. Given that the defense needs additional time to continue to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;
3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of June 17, 2010 scheduled at 9:30 a.m. is vacated and reset for June 29, 2010, at 10:00 a.m. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from June 17, 2010 to June 29, 2010.

Dated: June 16, 2010



HON. DONNA M. RYU
United States Magistrate Judge